

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

-against-

ORDER  
09 CR 219 (ILG)

TIMOTHY CAMPBELL,

Defendant.

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GLASSER, United States District Judge:

On April 4, 2009, the government filed an indictment naming Daniel Faile, Dimitry Kichatov, Daniel Kim and Timothy Campbell as defendants. A superseding indictment was filed on September 17, 2009. Motions to dismiss the indictment were filed by Kim, Faile, Kichatov and Campbell on September 9, 2009 (Docket #28). Faile, Kichatov and Kim pleaded not guilty to the charges against them in the superseding indictment (Docket #25), and supplemental motions to dismiss the indictment were filed on September 25, 2009 (Docket #38).

On January 14, 2010, the indictment was dismissed as to Faile, Kichatov and Kim in a Memorandum and Order issued by this Court (Docket #45). Campbell had never appeared before the Court. On February 12, 2010, the government filed a notice of appeal (Docket #47), and on March 19, 2010, a stipulation between the United States and Faile withdrawing the appeal was "so ordered" by the Mandate of the Court of Appeals (Docket #51).

In a letter dated April 13 , 2010, Timothy Campbell renewed his request made in a letter dated February 4, 2010, that the indictment be dismissed as against him. In his latest letter he states that he communicated with Assistant United States Attorney Tara

Swaminatha of the Department of Justice who does not oppose his request. Assistant United States Attorney Swaminatha confirmed that statement to this Court by telephone.

The indictment against Timothy Campbell is hereby dismissed with prejudice, more than a year having elapsed since his indictment, pursuant to Rule 48(b)(3) of the Federal Rules of Criminal Procedure.

SO ORDERED.

Dated:        Brooklyn, New York  
                  April 13, 2010

S/  
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I. Leo Glasser